

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HIMELDA MENDEZ, *and on behalf of all
other persons similarly situated,*

Plaintiff,

-v-

OUTBACK STEAKHOUSE OF FLORIDA,
LLC,

Defendant.

19-CV-9858 (JPO)

ORDER

J. Paul Oetken, United States District Judge:

Plaintiff Himelda Mendez commenced this action on October 24, 2019. (Dkt. No. 1.) On July 23, 2020, the Court granted Defendant's motion to dismiss. (Dkt. No. 32.) The Court instructed Plaintiff that if she wished to request leave to file a second amended complaint, she must do so on or before August 13, 2020. (Dkt. No. 32 at 9.) If she chose not to seek leave to amend, she was directed to so indicate in a letter filed by the same date. (*Id.*) The Court instructed that if she filed nothing by August 13, 2020, "the Court [would] enter final judgment and direct the Clerk of Court to close this case, permitting an appeal." (*Id.*)

As of the date of this Order, Plaintiff has not requested leave to file a second amended complaint. Nor has she filed a letter indicating her choice not to seek leave to amend. This case is therefore dismissed with prejudice.

The Clerk is directed to enter judgment in favor of Defendant and to terminate the case.

SO ORDERED.

Dated: August 14, 2020
New York, New York


J. PAUL OETKEN
United States District Judge